

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

V.

STATE OF WASHINGTON, et al.,

## Defendants.

CASE NO. CV 9213

## Subproceeding No. 05-01

## ORDER ON MOTION FOR RECONSIDERATION

This matter is before the Court for consideration of the Skokomish Indian Tribe's timely motion for reconsideration of the Court's Order dated March 30, 2005. The Court ordered that the Request for Determination filed by the two S'Klallam Tribes and the Counter-Request for Determination filed by the Skokomish Indian Tribe shall be bifurcated for trial. The Skokomish Tribe contends that bifurcation is contrary to the procedures of Paragraph 25, as well as prior Orders in this case. The Court deems a response to this motion for reconsideration unnecessary, and denies the motion for reasons set forth below.

Nothing in the language of Paragraph 25, as modified on August 23, 1993, precludes bifurcation of a Request for Determination from a Counter-Request. In this subproceeding, the Court originally ordered that the two would be tried together on an expedited schedule. However, when the Skokomish Tribe objected, in the March 24 request for a scheduling conference, to such expedited consideration of the issues, the Court determined that bifurcation was appropriate. That determination was made after carefully balancing the competing interests of the various parties. Nothing in the motion for

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1 reconsideration has shown manifest error in that ruling, or new facts or legal authority which the Court  
2 has overlooked.

3 Accordingly, the motion for reconsideration is DENIED. A status conference will be set by the  
4 Court to discuss the trial schedule and appointment of a settlement judge.

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6 DATED this 14<sup>th</sup> day of April, 2005.



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8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
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